

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Wesco Distributors, Inc.,

Plaintiff,

v.

Case No. 09-13014

Hartford Fire Ins. Co., *et al.*,

Honorable Sean F. Cox

Defendants.

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**ORDER FOR SUPPLEMENTAL BRIEFING**

Plaintiff Wesco Distributors, Inc.'s ("Wesco") Motion for Summary Judgment (Docket Entry No. 62), wherein it seeks summary judgment as to its claim on the Payment Bond against Defendants Hartford Fire Ins. Co., Jenkins Construction, Inc. ("Jenkins"), and Piping Components, Inc. ("PCI") (collectively "Defendants"), is currently pending before the Court. The Court hereby ORDERS Wesco and Defendants to submit supplemental briefs to the Court.

IT IS ORDERED that, within seven days, Wesco shall submit a supplemental brief: 1) identifying the authority for its position that it can recover under the Payment Bond even if Jenkins/JCI fully paid Bayview for Wesco's materials; and 2) specifying the amount of attorney fees that Wesco seeks in this action, and attaching appropriate support for any amount requested. The brief shall be limited to two pages for each of the above issues.

IT IS FURTHER ORDERED that, within seven days, Defendants shall submit a supplemental brief: 1) identifying authority to support their position that a retainage provision can somehow be imputed to a subcontractor who did not agree to a retainage provision in its contract; and 2) identifying authority to support their position that Wesco is prohibited from

making a claim on the Payment Bond because Jenkins/JCI fully paid Bayview for Wesco's materials. The brief shall be limited to two pages for each of the above issues.

IT IS FURTHER ORDERED that, Defendants may file a brief of no more than two (2) pages, responding to Wesco's supplemental brief on attorney fees, within seven days after that brief is filed.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 8, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 8, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager